IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7430 of 2006()

CMP.5283/2006 of J.M.F.C., SASTHAMCOTTA
CRIME NO.134/06 OF SOORANAD POLICE STATION.

.....

PETITIONER/13TH ACCUSED

GIREESAN, AGED 30 YEARS,
S/O.BHADRAN, VINAYA SIVA VILASAM VEEDU,
HOUSE NO.364, WARD NO.XV, KALLELIBHAGAM MURI,
THODIYOOR VILLAGE, KARUNAGAPPALLY TALUK.

BY ADV. SRI.B.HARISH KUMAR

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, SOORANAD POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7430 OF 2006

DATED THIS THE 15TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the 13th accused in Crime No.135/06 of Sooranad Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found transporting 12740 liters of spirit in the night of 12.5.2006 and who was arrested on 29.11.2006, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that in the night of 12.5.2006 a lorry which was intercepted by the Police was smelling spirit and accused 1 and 2 who were arrested from the lorry confessed that they had transported the spirit and unloaded the same in the house of the third accused. The contraband spirit was accordingly seized from the house of accused No.3. The role attributed to the petitioner herein is that he was piloting the lorry in which the contraband spirit was allegedly transported.

3. It is too early to conclude that the petitioner is not guilty of the offence alleged against him. I am not satisfied that

both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn